REMARKS

Reconsideration and allowance of this application is respectfully requested. Claims 1-15 remain in this application as amended herein, and claims 16-23 are added. Therefore, claims 1-23 are presented for the Examiner's reconsideration.

In the Office Action, the Examiner objected to the title of the invention. The title has been amended to read: "IMAGE PROCESSING APPARATUS, METHOD, AND RECORDING MEDIUM FOR CONTROLLING IMAGE QUALITY."

Turning now to the art rejection, the Examiner rejected claims 1, 3-6 and 10-15 under 35 U.S.C. § 102(e) as being anticipated by *Kim* (U.S. Patent No. 6,188,439). It is submitted, however, that the claims are patentably distinguishable over *Kim*.

In a conventional television receiver, the image quality is adjusted by the user. Because such adjustments are delicate, users typically do not adjust the image quality for each program. As a result, the screen display settings are generally not optimized for each respective program.

The invention addresses this problem by acquiring video encoding parameters associated with extracted digital image data of a selected program and by setting, in accordance with the video encoding parameters, at least one image signal processing parameter that is used to control processing of an image signal of the selected program to thereby control image quality of the selected program.

The *Kim* patent is directed to the detection of *genre data* of a broadcast signal. A broadcast signal is separated into an audio signal and a video signal, and genre data, such as indications whether the program is a news, music concert, sports, or cinema program, is detected from the separated video signal and decoded. A control signal corresponding to the genre

data is generated and is used to adjust the level of the video and audio conditions, namely, the brightness and color tone of the screen and the volume and effects of the sound. (See Figs. 2-4; col. 3, lines 3-30 and 41-50; and col. 4, lines 1-13). The patent describes detecting the genre data during the vertical blanking period of the separated video signal (see col. 3, line 64-67) and thus does not suggest acquiring *video encoding parameters* associated with *digital image data* of a selected program.

Kim does not suggest:

> an acquisition unit operable to acquire video encoding parameters associated with the extracted digital image data of the selected program

as called for in claim 1.

Moreover, *Kim* describes processing the audio signal and the video signal using a control signal derived from the detected *genre data* and does not suggest processing an image using a parameter set in accordance with *video encoding parameters*. *Kim* does not suggest:

> a setting unit operable to set at least one image signal processing parameter in accordance with the video encoding parameters, the at least one image signal processing parameter being used to control processing of an image signal of the selected program to thereby control image quality of the selected program

as defined in claim 1.

It follows that *Kim* does not suggest the combination called for in claim 1 and does not anticipate the claim.

Claims 3-6 depend from claim 1 and further define and limit the invention set out in the independent claim. Therefore, each of claims 3-6 likewise defines a combination that is patentably distinguishable over *Kim*.

Independent claim 8 defines an image processing method that includes limitations similar to those set out in claim 1.

Claim 8 is therefore distinguishable over *Kim* at least for the same reasons.

Claim 10-14 depend from claim 8 and are similarly distinguishable over *Kim*.

Independent claim 15 is directed to a recording medium recorded with a computer readable program for processing images that includes limitations similar to those set out in claim 8. Therefore, claim 15 is distinguishable over *Kim* at least for the same reasons.

Claims 1-2, 5-9 and 12-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Yoneda* (U.S. Patent No. 6,609,251). However, it is submitted that the claims are patentably distinguishable over *Yoneda*.

The *Yoneda* patent describes digital broadcast reproducing apparatus in which video data and service information are separated from a multiplexed transport stream. Information regarding the video data scanning method is obtained from the service information and is used to determine whether the video data is to be decoded by an interlace video decoding unit or a non-interlace video decoding unit. (See Figs. 1, 5 and 59-60; col. 3, lines 58-67; col. 5, lines 48-67; col. 14, lines 46-64; col. 20, lines 6-38; and col. 22, lines 15-35). The reference is therefore directed to using the information to *select a scanning method* and does not suggest using a parameter *to control processing* of an image signal of a selected program *to thereby control image quality*.

Yoneda does not suggest:

> a setting unit operable to set at least one image signal processing parameter in accordance with the video encoding parameters, the at least one image signal processing parameter being used to control processing of an image signal of the selected program to thereby control image quality of the selected program

as set out in claim 1.

It follows that *Yoneda* does not suggest the combination called for in claim 1 and does not anticipate the claim.

Claims 2 and 5-7 depend from claim 1 and further define and limit the invention set out in the independent claim. It follows that each of claims 2 and 5-7 likewise defines a combination that is patentably distinguishable over *Yoneda*.

Independent claim 8 includes limitations similar to those called for in claim 1 and is distinguishable over *Yoneda* at least for the same reasons.

Claims 9 and 12-14 depend from claim 8 and are similarly distinguishable over *Yoneda*.

Claim 15 includes limitations similar to those set out in claim 8 and is distinguishable over *Yoneda* at least for the same reasons.

Accordingly, the withdrawal of the rejection of claims 1-15 under 35 U.S.C. § 102 is respectfully requested.

The Examiner also provisionally rejected claims 1-4, 8-11 and 15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 8-12 and 15 of U.S. Application No. 09/854,287. The Examiner has contended that the subject matter claimed in the present application is not patentably distinct from that claimed in the pending Application No. 09/854,287.

Applicant has considered the provisional double patenting rejection and advises the Examiner that it will submit an appropriate Terminal Disclaimer upon the receipt of an indication from the Examiner of allowable claims in this application.

New claims 16-18 depend from claim 1, new claims 19-21 depend from claim 8, and new claims 22-23 depend from claim 15 and are distinguishable over the references at least for the

same reasons. Support for these claims is found in Fig. 3 and in paragraphs [0031] and [0032] of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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